

0010



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

TO: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

[Handwritten signature]

DATE: February 16, 1993

RE: Division Order 92-D, Forest Service Permit Renewal Comments, Coastal States Energy and Skyline Coal Companies, Skyline Mines, Folder #2, ACT/007/005, Carbon County, Utah

On June 4, 1992, the Division issued Division Order 92-D requiring Skyline to change their plan according to Forest Service comments dated May 13, 1992. Skyline responded to the comments in their submittal intended to satisfy the permit renewal Division Order 92-C which was received by the Division on October 5, 1992. Some of the issues have been adequately resolved, but some are the subject of ongoing studies and proposals being conducted and evaluated by the Forest Service.

The Forest Service letter contained nine parts. In this memorandum, portions of the Forest Service's numbered comments are quoted, then Skyline's response is discussed. Several of the comments discuss monitoring requirements, as in items 1, 4, and 9 immediately below.

Forest Service Comment:

1. *The mine plan proposes full-extraction longwall mining under Burnout Creek and does not address mitigations (on-site and off-site) or monitoring in sufficient detail to evaluate this proposal. Lease stipulations currently prevent mining and subsidence of perennial drainages unless specifically proposed, evaluated and approved.*

Burnout Creek is a fishery and provides water needed for downstream uses, including resource production. Before such a proposal can be evaluated, the operator must submit detailed information on how potential impacts could be mitigated and how resource conditions would be monitored to detect any impacts and trigger mitigation.

The mine plan must be revised to show adequate protection of Burnout Creek from subsidence until such time as a proposal is evaluated and required approvals are obtained.

4. *James Canyon and the inlet areas of Swens Canyon and Little Swens Canyon to Electric Lake lie within the permit area. The operator must collect data to determine if these drainages are perennial or intermittent. If they are determined to be perennial, appropriate measures will be required to protect them.*

9. *As discussed in item 4 above, James Canyon Creek needs to be characterized and monitored. A stream monitoring point must be established in the channel above the inlet at Electric Lake or at the Forest boundary.*

Response and Analysis:

From the submittals and response letters that Skyline has submitted, it is unclear exactly what monitoring Skyline is doing and plans to do and what research is going to be conducted by the Forest Service Intermountain Research Station. The response to item No. 1 stated that protection and mitigation of subsidence under Burnout Creek is the subject of a plan currently being reviewed by the Forest Service. For item 4, the response says that data collection is underway. One of the Division's deficiencies stated that a determination of the probable hydrologic consequences to the cutthroat trout spawning habitat in Burnout Creek and Upper Huntington Creek, based on current knowledge, has not been made. Skyline's response to this deficiency was that the value of the cutthroat trout spawning habitat in Burnout Creek and Upper Huntington Creek is currently being evaluated by the Forest Service under the direction of personnel at the Intermountain Research Station. The response also states that Skyline does not control this study, so it is inappropriate to make it a subject of Division comment and modification in the MRP. As reports become available, copies will be made and sent to the Division to be inserted as consultant documents in the proper MRP appendix.

It is impossible for the Division to determine if Skyline is complying with monitoring requirements based on the information that has been received. It is the Operator's responsibility, not that of the Forest Service, to provide necessary information to meet water monitoring and other requirements of the regulations. To determine compliance with Division comments and with Forest Service comments that were incorporated in a Division Order, the Division needs to know what monitoring is occurring and is planned. Although the Intermountain Research Station study may not be under the direct control of the Operator, some details of the study must be included in the MRP if Skyline intends to use this study and information from it to satisfy Division Orders. This information was required in deficiency No. 1 under R645-301-330 in the permit renewal Division Order, and this deficiency was upheld in the administrative review. As discussed above, the permit renewal Division Order also required the Operator to determine probable hydrologic consequences of mining on fish habitat. These requirements have not been addressed

in the MRP.

Walt Nowak of the Forest Service has stated that the Forest Service is currently preparing an Environmental Assessment of the effects of full-extraction mining under Burnout Creek. He stated that the Division is not considered to be a cooperating agency in the EA preparation but that the Division will be informed of the decision made by the Forest Service. The Division will need to approve any changes in the mining and reclamation plan after receiving comment from other agencies, including Wildlife Resources.

Forest Service Comment:

2. *The Forest Service will not consent to any mining beneath the pipeline until we receive documentation showing that the operator has informed Questar Pipeline Co. of the intent to mine under the pipeline and no objections have been received.*

Response and Analysis:

The response states that the agreement was forwarded to Aaron Howe of the Forest Service in a letter dated May 18, 1992. Receipt of this information was verified with Walt Nowak of the Forest Service in a telephone conversation on February 3, 1993.

Forest Service Comment:

3. *There are some misleading statements that need to be revised as follows:*

Map 4.17.1-1 shows that a second east-west main extends into the Upper Huntington Creek Buffer Zone. The map needs to be revised to show this main ending at the buffer zone line.

Page 4-95 (second paragraph) states that full extraction mining techniques under the creek buffer zone will only be proposed if evidence shows that surface effects, if any, can be mitigated. This sentence should be revised to state that no mining (other than the two areas already discussed) has been approved under the creek buffer zones and that prior approval must be obtained for any such mining.

Page 4-94 (third paragraph) states that Map 4.17.1-1 shows the Electric Lake and inlet buffer zone within which there will be no full extraction

mining. This sentence must be revised to state that there will be no mining in these areas.

Response and Analysis:

Map 4.17.1-1 has been revised so that the second main does not extend into the buffer zone.

The second paragraph on page 4-95 has been revised to state that mining, not just full extraction mining, will only be proposed if evidence shows that surface effects can be mitigated. It also says that mining techniques and associated mitigation plans must first be approved by the Division and the Forest Service.

Page 4-94 states that there will be no mining under Electric Lake and the inlet buffer zone without Division/Forest Service approval.

Skyline has complied with these requirements.

Forest Service Comment:

5. A vegetation monitoring program is required which would detect any gradual changes in the extent and distribution of vegetation communities from mining and subsidence. The operator discusses color infrared photography but does not discuss a vegetation monitoring plan. The operator must provide a comparison of the extent of vegetation communities prior to mining and at five-year intervals. The five-year intervals and submittals should correspond with mid-term reviews. The mine plan must be revised to commit to this monitoring.

Response and Analysis:

The plan states on pages 4-98 and 99 that a baseline set of color infrared (CIR) photographs was obtained before any areas were subsided. Subsequent annual black and white or color photography for subsidence monitoring will cover the area mined and the area to be mined in the next 18 months (plus angle of draw). Subsequent CIR photography for monitoring surface resource and vegetative trends will be flown at least once every five years.

Skyline has complied with this requirement.

Forest Service Comment:

6. *Appendix Volumes A-1 through A-4 (blue) need to be formally included in the MRP by adding them to the Table of Contents and making sure that they are made part of the current plan.*

Response and Analysis:

The response letter states that the suggestion to revise the table of contents has been incorporated in the plan. This submittal includes tables of contents for the appendix volumes and a revised table of contents for Volume 2. However, the revised table of contents for Volume 2 does not reference the appendix volumes. To comply with the Forest Service comment, an appropriate table of contents needs to contain reference to the appendix volumes.

Forest Service Comments:

7. *Map 2.3.5.2-1 (Ground Water Rights) is outdated. The Forest Service has filed claims on several springs in the Burnout Canyon area. This map needs to be updated to show these springs.*

The water monitoring plan needs to be revised to show monitoring of the additional springs with water rights claims.

8. *Map 2.3.5.1-1 (Surface Water Rights) shows water rights claim (92-8). Stream monitoring in accordance with DOGM guidelines must be conducted just above the confluence of this tributary with the main fork of Upper Huntington Creek.*

Response and Analysis:

Most of the springs included with the Forest Service letter have been incorporated on Plate 2.3.5.2-1, but claim 93-3662 was not included. Except for claim 93-3659, all of the other claims are shown in the same general locations as in the statements of water user's claims. Claim 93-3659 is shown as being in the SW1/4 of Sec. 35, T. 13 S, R. 6 E, but it should be in the SE1/4 SE1/4 of this section.

The response letter from Skyline states that the water monitoring plan is not being changed as a part of the renewal process at the request of the Division but that it will be considered as a separate mine plan modification at a later date. A request to not change the water monitoring plan was not found in the correspondence files, but this may have been a verbal request. Skyline should commit to a date by which this water monitoring plan will be submitted.